

1 JASON M. FRIERSON
United States Attorney
2 District of Nevada
Nevada Bar No. 7709
3 PATRICK A. ROSE
Assistant United States Attorney
4 Nevada Bar No. 5109
501 Las Vegas Blvd. So., Suite 1100
5 Las Vegas, Nevada 89101
(702) 388-6336
6 Patrick.Rose@usdoj.gov
Attorneys for the Federal Defendant

7
8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 Andrew Lindstrom,

10 Plaintiff,

11 v.

12 Nevada State Militia (Nevada National
13 Guard),

14 Defendant.
15

Case No. 3:24-cv-00152-ART-CSD

**Federal Defendant's Briefing Schedule
in lieu of Discovery Plan and
Scheduling Order**

16 Under the Freedom of Information Act, 5 U.S.C. § 552, and LR 16-1(c)(1), Federal
17 Defendant Nevada National Guard (the "Guard") submits this proposed schedule for
18 briefing and the lodging of an administrative record (AR) rather than discovery. Pursuant to
19 this Court's Order, ECF No. 36, undersigned counsel conferred with Plaintiff and then sent
20 a draft briefing schedule substantially as set forth below. The Guard contends that no
21 discovery deadlines under Fed. R. Civ. P. 26 and LR 26-1 are applicable. *See* paragraph 6 of
22 concurrently filed case management report. Plaintiff responded that he would request
23 discovery. Discovery would involve different issues and a different schedule than set forth
24 below. Accordingly, the Guard files unilaterally this proposed briefing schedule.
25 Undersigned counsel invited Plaintiff to make his own filing(s) relative to a request for
26 discovery.
27
28

AR

- January 15, 2025: Federal Defendant will file and serve the AR¹.
- January 31, 2025: Plaintiff shall notify defense counsel of any concerns with the AR including whether and why Plaintiff believes the filed AR is not an accurate and complete copy of the administrative record for this matter, and/or of the grounds and details for any proposed supplementation of the AR.
- February 14, 2025: The parties shall confer about any issues raised as to the AR, and they will attempt to resolve such issues.
- February 28, 2025: If there remain any unresolved issues about the AR, Plaintiff will file a motion to complete or supplement the AR.²
- March 14, 2025: Federal Defendant will respond to any such motion to complete or supplement the AR.
- March 28, 2025: Plaintiff will file his reply related to the AR.

If Plaintiff files a motion related to the AR, then the merits briefing schedule below will be vacated. Within 14 days of the Court's decision on Plaintiff's motion related to the AR, the parties will submit a revised merits briefing schedule.

If Plaintiff does not file a motion related to the AR, then the parties shall proceed with the merits briefing schedule below.

Merits briefs via Cross-Motions for Summary Judgment

- March 28, 2025: Plaintiff will file its motion for summary judgment;
- April 30, 2025: Federal Defendant will file its combined opposition/motion for summary judgment;
- May 30, 2025: Plaintiff will file its combined opposition/reply; and

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¹ Federal Defendant will file through the CM/ECF system a notice of lodging the AR with the Clerk of Court. Federal Defendant will lodge with the Clerk of Court the AR on a USB flash drive, as well provide a courtesy copy USB flash drive to Judge Traum's chambers, per her Chambers Practices, and send Plaintiff the AR on a USB flash drive.

² Any such motion can seek consideration only of documents that Plaintiff identified to Federal Defendant during the AR conferral process set forth above.

1 June 20, 2025: Federal Defendant will file its reply.

2 Respectfully submitted this 16th day of December 2024.

3 JASON M. FRIERSON
4 United States Attorney

5 /s/ draft
6 Andrew J. Lindstrom
7 449 Sheep Camp Drive
8 Dayton, Nevada 89403
9 Plaintiff Pro Se

/s/ Patrick A. Rose
PATRICK A. ROSE
Assistant United States Attorney
Attorneys for the Federal Defendant

8 IT IS SO ORDERED

9 

10 UNITED STATES MAGISTRATE JUDGE

11 DATED: December 16, 2024